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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,558	06/25/2003	George Calcev	CML01204M	5465

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MOTOROLA, INC.
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EXAMINER

SOL, ANTHONY M

ART UNIT	PAPER NUMBER
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2619

NOTIFICATION DATE	DELIVERY MODE
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03/05/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.Schaumburg@motorola.com
APT099@motorola.com

Office Action Summary

Application No.

10/603,558

Applicant(s)

CALCEV ET AL.

Examiner

ANTHONY SOL

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9,10 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10,13,14 and 18 is/are allowed.
- 6) ☒ Claim(s) 1-6,9 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. In view of the Supplemental Appeal Brief filed on 12/10/2007, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claims 1-6, 9, 10, and 13-18 remain pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-6, 9, and 13-17 are rejected under 35 U.S.C. 112, first paragraph,

Art Unit: 2619

as based on a disclosure which is not enabling.

The following features are critical or essential to the practice of the invention, but not included in the claims is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

Regarding claims 1 and 15,

- receive a flood stop message

The description in the specification at pg. 7, lines 21-24, pg. 8, lines 25-30, pg. 9, lines 9-13 and 21-24, pg. 10, lines 28-30, in figure 8 at step 807, and in the Supplemental Appeal Brief at pg. 3, lines 13-16 (“*When a node in the underlay system hears both the flood messages from the first and the second node, the overlay communication system is notified and **stops all flooding***”) demonstrate that the above feature is considered essential by the Applicant. (Emphasis added)

Regarding claims 4 and 16,

- transmit a RT_NEED message
- receive a flood stop message
- receive a Route_INFO message

The description in the specification at various locations including at pg.10, lines 17-32 and in figure 8 at steps 801, 807, and 809 and in the Supplemental Appeal Brief at pg. 3, lines 13-16 (“*In particular, when a first node wishes to discover a route to a second node, the first node notifies an overlay communication system, which **notifies***

***all nodes in the underlay communication system of the desire.** Both the first and the second nodes begin flooding the underlay system simultaneously. When a node in the underlay system hears both the flood messages from the first and the second node, the overlay communication system is notified and **stops all flooding. The route information is then provided to the first and the second nodes** via the overlay communication system”)* demonstrate that the above feature are considered essential by the Applicant. (Emphasis added)

Regarding claims 6 and 17,

- transmit a RT_NEED message
- determine identification of senders of RT_DISC flood messages
- compare identities of senders with RT_D aware message

The description in the specification at various locations including at pg.11, lines 3-25 and in figure 9 at steps 901, 907, and 909 and in the Supplemental Appeal Brief at pg. 3, lines 13-16 (“*In particular, when a first node wishes to discover a route to a second node, the first node notifies an overlay communication system, which **notifies all nodes in the underlay communication system of the desire.** Both the first and the second nodes begin flooding the underlay system simultaneously. **When a node in the underlay system hears both the flood messages from the first and the second node,** the overlay communication system is notified and stops all flooding. The route information is then provided to the first and the second nodes via the overlay*”)

Art Unit: 2619

communication system") demonstrate that the above features are considered essential by the Applicant. (Emphasis added)

Allowable Subject Matter

4. Claims 10, 13, 14, and 18 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY SOL whose telephone number is (571)272-5949. The examiner can normally be reached on M-F 7:30am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2619

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/A. S./

ams

3/5/2008

/Wing F Chan/

Supervisory Patent Examiner, Art Unit 2619

2/25/2008